

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1001 OF 2007

M/s.M.P.Polypropylene Ltd. ..Petitioner.

V/s.

Union of India & Anr. ..Respondents.

None for petitioner.

Mr.Y.S.Bhate with Y.R. Mishra for respondents.

CORAM : F.I.REBELLO AND
J.P.DEVADHAR, JJ.

DATED : 18TH JULY, 2007.

P.C. :-

Rule. Heard forthwith.

2. There is a delay of 64 days in preferring the appeal before the CESTAT by the petitioner. The reasons given for delay in filing the appeal was rejected by the Tribunal. Hence this petition.

3. Considering the facts and circumstances and as justice requires the party who has preferred the appeal should get a hearing on merits and not dismissed on technicalities and considering the delay and cause shown, we condone the delay and allow the application and direct the Tribunal to hear the appeal on merits.

4. Impugned order is accordingly set aside. Rule made absolute in terms of what we have afore stated with no order as to costs.

(F.I.REBELLO, J.)

(J.P.DEVADHAR, J.)